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LETTER DATED 16 OCTOBER 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

A new mandate for the United Nations Protection Force (UNPROFOR) within the Republic of Bosnia and Herzegovina has been gradually adopted and crept into a position of relative primacy. However, this mandate, rogue mandate, has never been adopted or endorsed by the Security Council. The Government of the Republic of Bosnia and Herzegovina is concerned by the consequences of this unauthorized mandate and requests the Security Council urgently to review the situation.

This rogue mandate demands supremacy by dictating that all UNPROFOR mandates and measures, including those specifically established by the Security Council, should first pass a filter test that would determine the extent of implementation. Mandates and measures that might increase the risk of "Bosnian Serb" reprisals will be either marginalized or ignored. By an extension of this logic, if the UNPROFOR mandate or measure in question potentially could loosen the "Bosnian Serbs'" military advantage or siege of Bosnia, and therefore alter the status quo, then such mandate or measure would be marginalized as well for fear of offending the Bosnian Serbs. This rogue mandate has been particularly harmful and counterproductive in the manner in which it has been applied to the situation around Sarajevo.

On the theory that the Army of the Republic of Bosnia and Herzegovina possesses a superiorly motivated and effective infantry, it was deemed that the "Bosnian Serb" Army was reliant on its overwhelming firepower and the siege of civilian areas in order to retain its overall military advantage. Before the creation of the North Atlantic Treaty Organization (NATO)-implemented "exclusion zone" around Sarajevo in February 1994, UNPROFOR not only avoided measures that might risk reducing the Bosnian Serbs' firepower advantage, but also acquiesced in the ongoing siege of Sarajevo. (This Permanent Representative was told on more than one occasion by UNPROFOR functionaries that Bosnian Serb tightening of the siege of Sarajevo and even shelling of civilian areas of Sarajevo must be understood as a countermeasure to pressure undertaken by the superior Bosnian Army infantry in some other battle area within the Sarajevo area or beyond.)

It appears that UNPROFOR had adopted the Bosnian Serb view that the siege of Sarajevo and status of its civilian population as hostages were legitimate military countermeasures.

Fortunately, the implementation of the "safe zone" resolutions (Security Council resolutions 824 (1993) and 836 (1993)), through the concept of a NATO-enforced exclusion zone, appeared to alter this situation permanently. Unfortunately, there has once again been a slide backwards to the same discredited views that acquiesced in the victimization of Sarajevo and that are the backbone of this new rogue mandate.

Under resolutions 824 (1993) and 836 (1993), all "Bosnian Serb" military units and weaponry are to be removed from the safe-area cities and their vicinities while the Army of the Republic of Bosnia and Herzegovina specifically was allowed to retain its infantry and weaponry. The NATO-enforced "exclusion zone" gave teeth to the military deterrence and responsiveness envisioned by the above resolutions. In addition, as a commitment of its own good faith and as a step that increased the likelihood of Bosnian Serb compliance with the NATO ultimatum, the Army of the Republic of Bosnia and Herzegovina also agreed to remove or neutralize its own heavy weapons within the exclusion zone despite the fact that resolutions 824 (1993) and 836 (1993) explicitly authorized the Bosnian Army to retain its forces and weaponry within the exclusion zone.

Unfortunately, it appears that the "safe areas" mandate and exclusion zone around Sarajevo have been redefined under the rogue mandate as follows.

1. Because the "Bosnian Serbs" could not maintain their siege of Sarajevo without the heavy weapons now excluded by the NATO exclusion zone, because altering the status quo might risk "Bosnian Serb" reprisal on UNPROFOR and because the siege therefore is viewed as a legitimate military countermeasure, UNPROFOR would be deployed in such a fashion to preserve the status quo and prevent the weakening of the Bosnian Serb siege positions. Any alleviation of the siege could come about only as a consequence of bargaining and agreements with the besiegers, otherwise UNPROFOR would risk taking sides and retaliation.

2. Because the infantry of the Army of the Republic of Bosnia and Herzegovina was deemed to be superior, its actions to defend the civilians, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina within the exclusion zone were also viewed by UNPROFOR as a challenge to the status quo that might in turn prompt a non-compliant "Bosnian Serb" party to challenge UNPROFOR. Giving higher priority to any risk of Bosnian Serb non-compliance and reprisal (including such that could be increased by NATO enforcement action), some within the UNPROFOR command have chosen to characterize any Bosnian military action as detrimental rather than as measures to defend legitimate civilian and sovereign interests. Effectively, the sovereign interests of the Republic of Bosnia and Herzegovina were being subjugated to any potential risks of retaliation by the Bosnian Serbs against UNPROFOR.

3. To justify this morally and legally flawed policy more effectively, it would also be appropriate to delegitimize the status and objectives of the Army of the Republic of Bosnia and Herzegovina. The Army of the Republic of Bosnia and Herzegovina, therefore, must be projected as being more or less on the same moral and legal level of the "Bosnian Serbs". For this reason, while certain UNPROFOR officials are conspicuously silent in their criticism with respect to numerous opportunities offered by the actions of the Bosnian Serbs, they have

been all too eager to find blame, real or fabricated, with respect to the Army of the Republic of Bosnia and Herzegovina. This was last exhibited by the enthusiastic, but premature campaign of some UNPROFOR officials to allege, recklessly and falsely, that the Bosnian Army engaged in the mutilation of Bosnian Serb soldiers and therefore to project the image of indistinguishable tribalism and barbarism.

4. Finally, "Bosnian Serb" use of heavy weapons within the exclusion zone is tolerated as necessary for the "Bosnian Serbs" to retain their military advantage and the status quo. As a consequence, when the Bosnian Serbs initiated an attack within the Sarajevo exclusion zone and relied upon heavy weapons fire from within to areas within the exclusion zone, this action was tolerated by UNPROFOR despite the fact that it was in clear violation of the Sarajevo safe area and NATO ultimatum. Over 1,000 Serbian shells were fired in the exclusion zone in just one day of the Bosnian Serb offensive without any appropriate UNPROFOR response. On the other hand, certain elements of the UNPROFOR command within the Republic of Bosnia and Herzegovina have vocally and quickly criticized purely infantry actions of the Army of the Republic of Bosnia and Herzegovina and, without a United Nations mandate, even threatened NATO air strikes (when such actions of the Bosnian Army are in full compliance with relevant Security Council resolutions).

This rogue mandate has driven us to a crisis point and the edge of disaster. It not only ignores but in effect reverses the status of the victim and victimizer. It neutralizes the intended benefits of United Nations-mandated measures. But even putting aside the moral bankruptcy of this flawed rogue mandate, it must be immediately rescinded because it:

(a) Is not endorsed by and, in fact, runs contrary to existing United Nations resolutions and Security Council-adopted mandates including the "safe area" and exclusion zone designations;

(b) Effectively acquiesces in, rather than challenges, the almost 1,000-day siege of Sarajevo, which once again is tightening as a consequence;

(c) Undermines the efforts and objectives of the Contact Group peace plan by upholding the status quo and giving comfort to those who would hold out against peace in favour of retaining their current, advantageous position;

(d) Is illegal and inconsistent with the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, with the Charter of the United Nations and with countless General Assembly and Security Council resolutions reaffirming the above.

Once again, we wish to express our appreciation to the overwhelming majority of the UNPROFOR and humanitarian forces for their well-intentioned and directed efforts within the Republic of Bosnia and Herzegovina. None the less, unless corrective steps are undertaken urgently, the overall United Nations-mandated actions within the Republic of Bosnia and Herzegovina will be subverted and become consumed by the consequences of an unauthorized mandate. Sustaining the unacceptable status quo is not the same as preserving the neutrality of UNPROFOR, in fact, quite the opposite. Those responsible for acting outside and

in contradiction to Security Council resolutions must be brought into line or appropriately addressed. For our part, the Government of the Republic of Bosnia and Herzegovina will continue to maximize cooperation with UNPROFOR and other mandated efforts. Similarly, those who act in contravention to Security Council mandates cannot continue to enjoy the privileges and legal status associated with service in furtherance of United Nations mandates.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative